

Appl. No. 09/716,740
Atty. Docket No. 5922R2C3
Amdt. Dated February 6, 2004
Reply to Final Office Action of November 26, 2003
Customer No. 27752

REMARKS

No amendments to the Claims are being presented by this Amendment. Claims 1-18, 38-55, 75, 80, 81, and 86-102 remain in the instant Application and are presented for the Examiner's review and reconsideration in light of the following remarks.

Telephonic Interview

Applicants thank the Examiner for the telephonic interview of January 23, 2004. Present during the telephonic interview were Applicants' attorney, the Examiner, and the Examiner's Primary, Mr. Daniel Zirker. During the telephonic interview, Applicants discussed the current rejection to the claims. No agreement was reached during the interview with regard to the current rejection. Examiner Zirker suggested that Applicants provide the arguments presented during the telephonic interview in written form to facilitate further consideration of Applicants' claimed invention by the Office.

Rejection Under 35 U.S.C. §103

Claims 1-18, 38-55, 75, 80, 81, and 86-102 have been finally rejected under 35 U.S.C. §103(a) over Wilbur, U.S. Patent No. 2,338,749 in view of the admitted prior art. Arguments previously made with respect to the Wilbur reference remain in effect and will not be repeated for the sake of brevity. Applicants respectfully traverse this rejection and request reconsideration and withdrawal of the Examiner's 35 U.S.C. §103(a) for the following additional reasons:

1. Applicants' Claim 38 and 86 each claim a storage wrap material comprising, *inter alia*, a sheet of non-porous material having a first side comprising an active side capable of forming a continuous seal.
2. Claims 38 and 86 also require the storage wrap to have a gauge in the range from about 0.0001 inches to about 0.002 inches.
3. As discussed with the Examiners during the interview, it is Applicants' position that Figs. 7 and 8 illustrate a construction wherein the end portion of a paper-tie band is provided with a multiplicity of pin punctures. See page 2, Col. 1, ll. 47-49.
4. The intended purpose of providing pin punctures is to provide outstanding burrs that serve as a means for normally shielding the adhesive coating against accidental contact with other objects. See page 2, Col. 2, ll. 1-4. Thus, providing a substrate with a multiplicity of pin punctures does not disclose, teach or suggest Applicants' storage wrap material comprising a sheet of non-porous material. Indeed, providing a substrate with a plurality of pin punctures renders the substrate porous.

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5. Further, even if a flexible sheet material, as discussed in Applicants' specification, is substituted for the wrapper, or substrate, of the *Wilbur* reference, providing any such flexible sheet material with a plurality of pin punctures also renders the final product porous -- a disadvantage for a storage wrap material.

6. It should also be noted that the purpose for providing the pin punctures, as disclosed by Figs. 7 and 8 of the *Wilbur* reference, is to provide a shielding of the permanently sticky adhesive coatings against accidental contact with other objects. See page 2, Col. 2, ll. 8-15.

7. Additionally, there is no suggestion in the *Wilbur* reference to provide a storage wrap material having a gauge in the range from about 0.0001 inches to about 0.002 inches.

Because of these considerations, the *Wilbur* reference does not suggest Applicants' claimed invention. In other words, the *Wilbur* reference fails to disclose, teach, suggest, or render obvious every recited feature of Applicants' claimed invention. Further, absent any motivation to provide Applicants' storage wrap material, the *Wilbur* reference cannot render any of the rejected claims obvious. See *In re Fine*, 837 F.2d 1071 (Fed.Cir. 1988); M.P.E.P. §2143.01. Applicants therefore request reconsideration and withdrawal of the Examiner's 35 U.S.C. §103(a) rejection to Applicants' independent Claims 38 and 86.

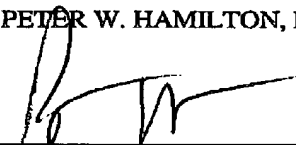
Because dependent Claims 1-18, 39-55, 75, 80-81, and 87-102 all depend directly or indirectly from Applicants' independent Claims 38 or 86, they contain all their respective limitations. For this reason, Applicants respectfully submit that the arguments made above concerning allowability of the independent claims discussed *supra* are equally applicable to the rejection of Claims 1-18, 39-55, 75, 80-81, and 87-102 under 35 U.S.C. §103(a). Applicants therefore request reconsideration and withdrawal of the Examiner's 35 U.S.C. §103(a) rejection to Claims 1-18, 39-55, 75, 80-81, and 87-102.

Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,
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